

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

STATE OF MISSOURI,)	ED102606
)	
Respondent,)	Appeal from the Circuit Court of
)	St. Charles County
v.)	1411-CR00778-01
)	
RANDY E. TWITTY,)	Honorable Richard K. Zerr
)	
Appellant.)	Filed: May 10, 2016

Following a bench trial, Randy Twitty ("Defendant") now appeals the trial court's judgment finding Defendant guilty of acting in concert with another of possessing pseudoephedrine with the intent to process that chemical to create methamphetamine, in violation of Section 195.420. The judgment of conviction is reversed and vacated.

REVERSED AND VACATED.

Division Four Holds: Defendant contends that the State presented insufficient evidence that he "possessed" a controlled substance (i.e., pseudoephedrine) because said controlled substance was not discovered at the time the police searched Defendant's apartment or arrested Defendant. Under Missouri law, we find there was insufficient evidence to convict Defendant of "actual possession" or "constructive possession."

Opinion by: Lisa P. Page, J.

Sherri B. Sullivan, P.J., and Kurt S. Odenwald, J., concur.

Attorney for Appellant: Emmett D. Queener

Attorney for Respondent: Colette E. Neuner

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
